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4 **ROBIN REESE, individually and on behalf of**  
**all others similarly situated,**  
5  
6 **Plaintiff,**  
7  
8 **v.**  
9  
10 **ODWALLA, INC. AND THE COCA-COLA Co.,**  
11  
12 **Defendants.**

Case No.: 13-CV-947 YGR

13  
14 **ORDER DIRECTING PARTIES TO FILE**  
**SUPPLEMENTAL BRIEFING AND SETTING**  
**HEARING ON REQUEST TO LIFT STAY AND**  
**RENEW CONSIDERATION OF MOTION TO**  
**DISMISS; VACATING MAY 8, 2015**  
15 **COMPLIANCE HEARING**

16 The parties have filed their Joint Statement In Advance of Compliance Hearing (Dkt. No.  
17 67) setting forth their positions on the propriety of a continued stay awaiting agency action from the  
18 U.S. Food and Drug Administration (“FDA”) action concerning use of the term “evaporated cane  
juice,” or “ECJ.” The Court has considered the parties’ statement and **ORDERS** as follows:

19 Defendants Odwalla, Inc. and the Coca-Cola Company (“Defendants”) shall file a  
20 supplemental brief of no more than 10 pages no later than **May 20, 2015**, addressing: (a) whether  
21 the stay should be lifted as requested by Plaintiffs, particularly in light of the Ninth Circuit’s recent  
22 decision in *Reid v. Johnson & Johnson*, 780 F.3d 952 (9th Cir. 2015); and (2) any new factual and  
legal developments pertinent to Defendants’ preemption argument in its prior motion to dismiss.  
23 Plaintiffs shall file a responsive brief of no more than 10 pages no later than **June 3, 2015**.

24 The parties need not repeat any arguments made in their May 1, 2015 filing (Dkt. No. 67),  
25 or any arguments made in their prior briefing on Defendants’ Motion to Dismiss (Dkt. No. 28), and  
the opposition and reply thereto (Dkt. Nos. 36, 42).

26 The Court sets a hearing date on the request to lift the stay and the motion to dismiss for  
27 **June 16, 2015, at 2:00 p.m.** The compliance hearing currently set for Friday, May 8, 2015 is  
28 **VACATED.**

**IT IS SO ORDERED.**

Date: May 6, 2015

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE